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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Howard Cochran,

10 Plaintiff,

11 vs.

12 Sudha Rao,

13 Defendant.
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No. CV 11-1365-PHX-RCB

ORDER

15 Pending before the Court is a Motion for Reconsideration. (Doc. 69.) The Court
16 will deny the Motion and direct Plaintiff to file his request with the United States Court
17 of Appeals for the Ninth Circuit.

18 **I. Background**

19 Plaintiff filed a civil rights action and First and Second Amended Complaints.
20 (Docs. 1, 7, 9.) On March 26, 2013, the Court granted Defendant summary judgment,
21 denied Plaintiff summary judgment, and entered an Order of dismissal. (Docs. 62, 63.)
22 On April 4, 2013, Plaintiff filed a Notice of Appeal. (Doc. 64.) On April 11, 2013, the
23 Ninth Circuit Court of Appeals provided Plaintiff an authorization to be completed within
24 21 days, with instructions that if Plaintiff/Appellant did not comply with the Order, the
25 appeal could be dismissed. (Doc. 67.) On May 14, 2013, the Court of Appeals issued its
26 mandate dismissing the appeal. (Doc. 68.)
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1 On May 23, 2013, Plaintiff filed his Motion for Reconsideration stating that he
2 “never received the info[rmation] for which Plaintiff[’s] case was dismiss[ed]. Plaintiff
3 received a[n] incomplete order. Plaintiff never received a prisoner authoriza[tion] form.”
4 Plaintiff asks the Court for an opportunity to receive the information and to comply with
5 the Order. (Doc. 69.)

6 Although this motion was docketed as a Motion for Reconsideration of the Order
7 of this Court on summary judgment, it appears from the timing of events and the contents
8 of the Motion that Plaintiff is actually seeking relief from the Mandate from the Ninth
9 Circuit. This Court is without authority to grant Plaintiff the relief that he appears to
10 seek. Plaintiff should direct his request to the United States Court of Appeals for the
11 Ninth Circuit. The Court will direct the Clerk of Court to provide Plaintiff with copies of
12 the relevant Order and Mandate.

13 **IT IS ORDERED:**

14 (1) The reference to the Magistrate is **withdrawn** as to the Motion for
15 Reconsideration (Doc. 69).

16 (2) The Motion for Reconsideration (Doc. 69) is **denied without prejudice**.

17 (3) The Clerk of Court must correct the docket entry to reflect that the Motion
18 for Reconsideration is for reconsideration of the Order and Mandate from the United
19 States Court of Appeals for the Ninth Circuit (Docs. 67, 68).

20 (4) The Clerk of Court must provide Plaintiff with copies of the Order and
21 Mandate (Docs. 67, 68).

22 DATED this 30th day of May, 2013.

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25 Robert C. Broomfield
26 Senior United States District Judge
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